

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

ASD SPECIALTY HEALTHCARE, INC.)	
)	
<i>Plaintiff,</i>)	
)	
vs.)	CASE NUMBER: 1:05-cv-591
)	
ONCOLOGY HEMATOLOGY)	
CENTERS OF ATLANTA, P.C., <i>et al.</i> ,)	
)	
<i>Defendants.</i>)	

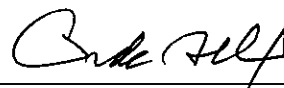
MOTION TO SET ASIDE ENTRY OF DEFAULT

NOW COMES Defendant **ONCOLOGY & HEMATOLOGY CENTERS OF ATLANTA, P.C.**, by and through its attorney, and moves the Court to set aside the entry of default entered against this defendant on November 2, 2005 by the Clerk of this Court and, for reason, this defendant says that, on its behalf, an Answer was, in fact, filed on or about July 18, 2005, however, said Answer was deemed insufficient by this Court. This defendant has now retained counsel who has appeared on behalf of OHCA and, due to the circumstances, this defendant respectfully requests that the Court set aside the Clerk's entry of default on the basis of mistake, inadvertence, excusable neglect, and/or that a part of the debt sought to be collected by the plaintiff has been satisfied. This defendant further says that the principal in OHCA, Co-Defendant Lloyd G. Geddes, Jr., was under the mistaken belief that his settlement discussions with the plaintiff in attempts to enter into a forbearance agreement would prevent adverse action against OHCA. However, both defendants now understand and realize that the Court's timetables and deadlines require strict compliance. This defendant would further show unto the Court that, due to the special circumstances

in the case, and this defendant's responses to the plaintiff's interrogatories, setting aside the entry of default will not work to prejudice the plaintiff and that this motion is not at all interposed for delay.

WHEREFORE, THE PREMISES CONSIDERED, Defendant Oncology & Hematology Centers of Atlanta, P.C. moves the Court to set aside the Clerk's entry of default.

Respectfully submitted,



DAVID E. ALLRED
Attorney for Defendants
ONCOLOGY & HEMATOLOGY
CENTERS OF ATLANTA, P.C. and
LLOYD G. GEDDES, JR., M.D.

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that I have this 12th day of April, 2006 filed the foregoing *Motion to Set Aside Entry of Default* with the Clerk of the Court for the United States District Court for the Middle District of Alabama, Northern Division, using the CM/ECF system, which will send notification of such filing to:

Heath Alan Fite, Esq.

hfite@burr.com

James Jack Robinson, Esq.

jrobinson@burr.com

A copy has also been served upon the following counsel by placing a copy of same in the United States Mail, first-class postage prepaid, on this the 12th day of April, 2006:

Morton R. Branzburg, Esq.

KLEHR, HARRISON, HARVEY, BRANZBURG & ELLERS

260 S. Broad Street

Philadelphia, Pennsylvania 19102



OF COUNSEL